



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
		200118	A C-35469

041/1029

EXAMINER

SHEEHAN, J

ART UNIT PAPER NUMBER

1742

DATE MAILED: 10/29/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Interview Summary

Application No.  
08/637,802

Applicant(s)  
Eccles

Examiner  
John P. Sheehan

Group Art Unit  
1742



All participants (applicant, applicant's representative, PTO personnel):

(1) John P. Sheehan

(3) \_\_\_\_\_

(2) Ms. Susan M. Keating

(4) \_\_\_\_\_

Date of Interview Oct 27, 1998

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: 1-4, 6-15, and 17-23

Identification of prior art discussed:

Bernard et al., Youdelis and Rateau et al. (Great Britain 2,255,348)

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The Examiner indicated agreement with Examiner Phipps' position set forth in the Advisory Action mailed September 25, 1998. The Examiner indicated that if the amendment submitted Sept. 16, 1998 were entered Bernard et al. would still be a good primary reference and that GB 2,255,348 would be the secondary reference teaching the addition of Ge. With respect to the Rule 132 Declaration there is no nexus between the alloy discussed in the Declaration and the claimed alloy, that is, it has not been established that the alloy discussed in the Declaration is the same as the claimed alloy. With respect to the long felt need section of the Declaration, there is no objective evidence to substantiate the allegation of long felt need, MPEP 716.04. The statement that United Precious Metals "had an interest and a desire" to develop the instant alloy is not objective evidence, particularly in view of the fact that applicant is not employed by United Precious Metals and has no authority to speak for United Precious Metals.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

JOHN P. SHEEHAN  
PRIMARY EXAMINER  
ART UNIT 1742

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.